

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION No. 16261 of 2002

Between:

Smt.S.Anuradha D/o Sadaksharappa,

Occ: F.P.S. Dealer, R/o Patancheru,

Medak district. ... PETITIONER

AND

1. The Revenue Divisional Officer, Sangareddy,

Medak district.

2. The Mandal Revenue Officer, Patancheru Mandal,

Medak district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ or writs, order or direction declaring the order No.B2/1920/2001 dated 4.6.2002 passed by the first respondent in cancelling the authorization of the petitioner without issuing any show cause notice and without conducting any enquiry as contemplated under clause 4 of sub-clause 3 of A.P. S.C. (RDCS) Order 1973 as illegal, arbitrary and without jurisdiction and consequently set aside the same.

Counsel for the Petitioner : Mr.K.RAJI REDDY

Counsel for the Respondents : G.P. FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

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Heard both sides and at their request, the writ petition itself is taken up for hearing and disposed of by this order.

The petitioner who is a Fair Price Shop dealer of Patahceru mandal, filed the writ petition seeking Writ of Mandamus challenging the orders of the first respondent dated 4.6.2002 cancelling her authorization. The case of the petitioner in brief is that she has been appointed as Fair Price Shop Dealer in the year 1997 and since then she has been carrying on business without any blemish or demur. It is stated that the first respondent passed the impugned order cancelling her authorization, without giving any notice or opportunity to the petitioner. Aggrieved by the same, the present writ petition is filed.

In the counter affidavit by the first respondent, it is stated that on receipt of a report from second respondent, first respondent issued a notice to the petitioner to appear before him and in pursuance thereof, petitioner appeared before the first respondent on 15.4.2002 and given a sworn statement, whereunder she stated that she got married to one Sri Mallikarjun, on 26.4.2001, who is a resident of different village i.e. Ankenpally. Therefore, having regard to the same, it is sufficed to take action against the petitioner.

Having regard to the submissions made and on perusal of the material available, it can be seen that an enquiry was conducted, in which the petitioner gave her statement stating that in spite of her marriage, she is carrying on business at her native village i.e. Patancheru distributing the commodities. She also stated that the marriage is not a hindrance for doing business at Patancheru. Admittedly, no show cause notice has been given to the petitioner before passing the impugned cancelling her authorization, nor there is any explanation is sought from the petitioner as to why she could not carry the business at Patancheru. In view of the same, the impugned order is liable to be set aside.

Having regard to the facts and circumstances of the case, the writ petition is allowed and the impugned order of the first respondent dated 4.6.2002 is set aside. However, this order does not preclude the respondents from issuing fresh notice and after affording reasonable opportunity to the petitioner, and pass appropriate orders in accordance with law.

B.PRAKASH RAO, J

Date: 2.8.2004

DA/MRB

To

1. The Revenue Divisional Officer, Sangareddy,
Medak district.
2. The Mandal Revenue Officer, Patancheru Mandal,
Medak district.
3. Two CCs to the G.P. for Civil Supplies, High Court, Hyderabad.
4. Two CD copies.